

CHAPTER 139.

[S. B. 116.]

COMMISSION MERCHANTS.

AN ACT regulating commission merchants or persons selling farm, dairy, orchard or garden produce on commission, and providing a penalty for the violation thereof, and repealing an act entitled "An act to regulate the sale of farm, dairy, orchard or garden produce on commission," approved March 21, 1895.

Be it enacted by the Legislature of the State of Washington:

Unlawful
to engage
in business
without
license.

SECTION 1. It shall be unlawful for any person, firm or corporation to engage in the business of selling farm, dairy, orchard or garden produce on commission, or to receive or solicit consignments of such produce on commission in the State of Washington without first obtaining a license from the Commissioner of Horticulture to conduct and carry on the business of such commission merchant and giving a bond to the State of Washington, executed by a surety company authorized to do business in this State, the form of said bond to be approved by the Attorney General, for the benefit of persons entrusting such commission merchant with consignments of produce to be sold on commission, in the sum of \$3,000, said bond to be conditioned for the faithful performance of his duties as such commission merchant.

Bond.

Application
for license—
contents.

SEC. 2. Any person, firm or corporation desiring to carry on the business of such commission merchant in this State shall make application in writing under oath to the Commissioner of Horticulture, giving his full name, if an individual, the full name of all the partners if a partnership, and the date of incorporation, the names of the officers, directors and stockholders, and the state where incorporated, and the amount of capital stock actually paid in, if a corporation, stating the name of the city or town where he intends to carry on such business, giving the street and number of building if practicable, and the character of produce for which a license to sell on commission is wanted. The applicant shall also deliver to the Commis-

sioner of Horticulture the State Treasurer's receipt for the sum of ten dollars, together with the bond mentioned in section I of this act. Upon approval of said bond by Commissioner of Horticulture, it shall be the duty of the Commissioner of Horticulture to deliver to such applicant a license to carry on the business of a commission merchant until the 31st day of December of the year in which such license is issued. All bonds given under the provisions of this act, after their approval, shall be filed in the office of the Secretary of State: *Provided*, That all statements made under the provisions of this act shall be for the exclusive information of the Commissioner of Horticulture, and no other person or persons shall be permitted to see or examine the same unless the same shall be required for use in court, and in such case the Commissioner shall provide the same.

Commissioner of Horticulture to issue license.

SEC. 3. Every person, firm or corporation carrying on the business of a commission merchant under the provisions of this act shall keep an accurate and complete set of books, in which shall be truly recorded the amount and character of every consignment received by said person, firm or corporation, from any resident of the State of Washington, with the date of receipt, the name of the consignor and the condition of the shipment, when received; and when the same or any part thereof shall be sold. The name of the person, firm or corporation to whom sold, together with the amount and date of sale, shall be entered. The books of any such commission merchant shall at all times be open and subject to the inspection of the Commissioner or the county fruit inspector or any of his deputies or to any consignor as to any entry concerning shipments made by him.

Commission merchant to keep books.

SEC. 4. Any commission merchant who shall receive from any person, farm, dairy, orchard or garden products to sell on commission, shall immediately send to the consignor or consignors, a statement in writing, showing what property has been received, and the condition thereof. If any such produce is received in a damaged condition and is unfit for sale, or if the markets are overstocked, it shall

Shall notify consignor of receipt of produce.

be the duty of such commission merchant to notify the State Horticultural Commissioner, or county fruit inspector, and take from him a certificate that said produce is not saleable and that it is necessary to destroy the same. Said certificate shall be made in duplicate and one copy thereof shall be transmitted to the consignor.

Shall render statement.

SEC. 5. Whenever any commission merchant sells all or a portion of any produce consigned to him to be sold on commission, he shall, within two days thereafter, render a true statement to the consignor, showing what portion of such consignment has been sold, the price received therefor, the date of sale, the name and address of the purchaser, if requested to do so in writing, and also all charges and expenses paid or incurred on account of such consignment. If any produce be sold for less than the market price that fact shall be noted on such statement, and the reason therefor shall be stated.

Payment for produce within ten days.

SEC. 6. It shall also be the duty of every person, firm or corporation carrying on the business of selling farm, dairy, orchard or garden produce on commission to pay to the consignor within ten days after said sale, the full amount of money due upon the sale of any consignment of produce, after deducting therefrom the amount paid for transportation and drayage, if any, and the commission, which in no event shall exceed ten per cent of the selling price, unless otherwise specified in writing.

Complaints to Commissioner of Horticulture.

SEC. 7. Whenever any consignor, who has consigned farm, dairy, orchard or garden produce, to any commission merchant, shall have, after demand received no remittance for the same or report of the sale thereof, or if in any case after report is made he is dissatisfied with the sale or the report thereof, he may make a verified complaint in writing to the Commissioner of Horticulture, who shall upon receipt of the same investigate the sale or sales complained of, and if upon such investigation it appears that the said commission merchant has failed or neglected to account for such consignment or any part thereof, or has failed or neglected to make a true and complete report thereof, it shall be the duty of the Commissioner of Horti-

Revocation of license.

culture to revoke the license of such commission merchant. Such investigation may be made by the county fruit inspector if the Commissioner shall so direct.

SEC. 8. If any commission merchant shall make any sale of the produce mentioned upon commission and shall fail or neglect to pay the amount received upon such sale as hereinbefore provided the owner or consignor of such produce may bring an action on the bond given by such commission merchant under the provisions of this act and recovery may be had against said commission merchant and the sureties on said bond for the amount due such owner or consignor; and in such action the court may allow a reasonable attorney's fee: *Provided*, If such commission merchant has failed or neglected to account for consignments of produce made to him by two or more consignors and the amount of said bond is not sufficient to pay the amount due all the consignors, they shall be entitled to receive from the proceeds of such bond a *pro rata* share in proportion to the amount due each of such consignors.

Action
on bond.

SEC. 9. It shall be unlawful for any persons engaged in the business of commission merchants to enter into any combination, conspiracy or pool for the purpose of artificially raising or depressing the market price of any farm, dairy, orchard or garden produce, or of excluding from the market the produce of any particular locality grown or manufactured by any person within the State of Washington.

Unlawful
to enter
combina-
tion.

SEC. 10. For the purpose of this act a commission merchant is defined and declared to be any person, firm or corporation whose principal business is the sale of farm, dairy, orchard or garden produce on account of the shipper or consignor.

Commis-
sion mer-
chant
defined.

SEC. 11. Any person, persons, or corporation engaged in selling any property as herein specified who fails or neglects to comply with any of the provisions of this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than five hundred dollars.

Penalty.

Commissioner of Horticulture to revoke licenses.

SEC. 12. The Commissioner of Horticulture shall revoke any license issued under the provisions of this act whenever the person, firm or corporation holding the same shall be convicted of any violation of this act.

Repeal.

SEC. 13. That an act entitled "An Act to regulate the sale of farm, dairy, orchard or garden produce on commission," approved March 21st, 1895, be and the same is hereby repealed.

Passed the Senate February 11th, 1907.

Passed the House February 27th, 1907.

Approved by the Governor March 12th, 1907.

CHAPTER 140.

[H. B. 102.]

FEES OF CORPORATIONS.

AN ACT fixing the fees to be paid to the secretary of state by corporations doing business in this state, and providing penalties for failure to pay the same.

Be it enacted by the Legislature of the State of Washington:

Filing articles of incorporation.

SECTION 1. Every corporation incorporated under the laws of this State, or of any state or territory in the United States or of any foreign state or country, required by law to file articles of incorporation in the office of the Secretary of State, shall pay to the Secretary of State a filing fee of twenty-five dollars.

Filing amendatory articles.

SEC. 2. Every corporation, foreign or domestic, desiring to file in the office of the Secretary of State articles amendatory or supplemental, or certificates of increase or decrease of capital stock, shall pay to the Secretary of State a fee of ten dollars.

Appointment of agent.

SEC. 3. Every foreign corporation filing in the office of the Secretary of State a certificate of the appointment of an agent residing in this State, or a certificate of the